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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/849,551	05/04/2001	Vijay K. Bhagavath	42253/234155	1142
826	7590	12/16/2004	EXAMINER	
ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			NGUYEN, SON XUAN	
			ART UNIT	PAPER NUMBER
			2664	

DATE MAILED: 12/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/849,551

Applicant(s)

BHAGAVATH ET AL.

Examiner

SON X. NGUYEN

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4/24/2002.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claim 37 is objected to because it is duplicated of claim 36. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-27, 29-43 are rejected under 35 U.S.C. 102(e) participated by Haitsuka at el. (U.S 6,366,298), hereinafter referred to as Haitsuka.

Regarding claim 1, Haitsuka discloses an apparatus for monitoring

communication network usage comprising: a usage monitoring module (Monitoring Server 130 of Figure 1) operating at a network access point (Data Access Network 120 of Figure 1) that captures all request packets transmitted from a plurality of network users and all response packets transmitted from a plurality of network services (see lines 1-4 of column 3); wherein the usage monitoring module filters the captured packets to extract usage monitoring data therefrom (see lines 54-61 of column 6); and a usage monitoring database (data stores 140a-g of Figure 3) in communication with said usage monitoring module that receives the filtered usage monitoring data from the usage monitoring module and stores the data associated with the user request packets and network response packets.

Regarding claim 2, Haitsuka discloses a gateway device (Data Access Network 120 of Figure 1; see lines 21-23 of column 4) that implements the usage monitoring module, wherein the gateway device is disposed within the network at point of network traffic aggregation so that it receives all requests from a plurality of network users and receives all responses from network services.

Regarding claim 3, Haitsuka discloses the usage monitoring module filters the captured packets to extract network addresses and the usage monitoring database stores the network addresses (see lines 11-16 of column 6).

Regarding claim 4, Haitsuka discloses the network addresses further comprise URLs (Uniform Resource Locators) (see lines 9-13 of column 2).

Regarding claim 5, Haitsuka discloses the usage monitoring module filters the captured packets to extract usage monitoring data comprising at least one type of data

chosen from the group consisting of user identification, network addresses, packet timestamp, referring network address, content-type, content length, response status code and user query string (see lines 38-43 of column 5).

Regarding claim 6, Haitsuka discloses the usage monitoring module performs navigational sequencing on captured packets so as to monitor a sequence of network addresses accessed by a user (HTTL is used to navigate the WEB; see lines 63-65 of column 1).

Regarding claim 7, Haitsuka discloses the usage monitoring module performs a status code check on network service response packets to verify that a user has access to a requested network service address so that only data associated with accessible network services is stored in the usage monitoring database (see lines 6-16 of column 6).

Regarding claim 8, Haitsuka discloses the usage monitoring database further comprises a user request database that temporarily stores user request data prior to receiving a response from a requested network service (Interactive Usage Data 140b of Figure 3).

Regarding claims 9 and 10, Haitsuka discloses the usage monitoring database further comprises a temporary database that temporarily stores user monitoring information for network addresses that have only been accessed by a user no more than a predetermined minimum number of times; and the predetermined minimum number of times is one (see lines 6-10 of column 6; Interactive Usage Data 140b of Figure 3).

Regarding claims 11-12, Haitsuka discloses a designated network address database (Network Usage Information 140a of Figure 3) that stores network addresses that have been designated for navigational sequencing; and the usage monitoring module (see lines 50-53 of column 9) is adapted to receive the network addresses that have been designated for navigational sequencing from a usage monitoring client.

Regarding claim 13, Haitsuka discloses the usage monitoring module defines the network addresses that have been designated for navigational sequencing based on the frequency that a user accesses the network address (see lines 11-16 of column 6).

Regarding claim 14, Haitsuka discloses the usage monitoring database further comprises a primary database that stores the data associated with the user request packets and network response packets (Geographic Data 140d and Personal Profile Information 140g of Figure 3).

Regarding claims 15-16, Haitsuka discloses an insertion server in communication with the usage monitoring database that provides network users with targeted information based on network user usage monitoring data, with targeted advertisements based on network user usage monitoring data (see lines 62-66 of column 6).

Regarding claim 17, Haitsuka discloses the insertion server further comprises a survey insertion server that provides network users with targeted surveys based on network user usage monitoring data (see lines 62-66 of column 6 and lines 1-8 of column 7).

Regarding claim 18, Haitsuka discloses a method for providing usage monitoring in a communications network (See Figure 5), the method comprising: capturing all data packets being transmitted from a plurality of users and a plurality of network services at a network point of access; filtering the captured packets to provide for usage monitoring data; and storing the usage monitoring data in a usage monitoring database (see lines 54-61 of column 6).

Regarding claim 19, Haitsuka discloses capturing all data packets being transmitted from a plurality of users and a plurality of network services at a network point of access further comprises capturing all data packets being transmitted from a plurality of users and a plurality of network services at a gateway device (Data Access Network 120 of Figure 1; see lines 21-23 of column 4).

Regarding claim 20, Haitsuka discloses filtering the captured packets to provide usage monitoring data further comprises filtering the captured packets to extract usage monitoring data comprising at least one type of data chosen from the group consisting of user identification, network addresses, packet timestamp, referring network address, content-type, content length, response status code and user query string (see lines 31-43 of column 5).

Regarding claim 21, Haitsuka discloses storing the usage monitoring data in a temporary database prior to storing the usage monitoring data in a primary database (see lines 38-43 of column 5).

Regarding claim 22, Haitsuka discloses a method for providing usage monitoring in a communications network (See Figure 5), the method comprising: capturing a

transmitted data packet at a network point of access; determining if the transmitted data packet is a user generated request data packet; and storing the transmitted data packet in a first database if the transmitted data packet is determined to be a user generated request data packet (see lines 54-61 of column 6).

Regarding claim 23, Haitsuka discloses capturing a transmitted data packet at a network point of access further comprises capturing a transmitted data packet at a network gateway device (Data Access Network 120 of Figure 1; see lines 21-23 of column 4).

Regarding claim 24, Haitsuka discloses storing the transmitted data packet in a first database if the transmitted data packet is determined to be a user generated request data packet further comprises storing the transmitted data packet in a first temporary database if the transmitted data packet is determined to be a user generated request data packet (see lines 38-43 of column 5).

Regarding claim 25, Haitsuka discloses transferring the transmitted data packet from the first database to a second database if the transmitted data packet is matched with an accessible network service response data packet (Data can be transmitted between Network Usage Information 140a and Interactive Data 140b of Figure 3; See lines 6-17 of column 6).

Regarding claim 26, Haitsuka discloses a temporary database that stores the transmitted data packet and the matched network service response data packet if a determination is made that the user has not exceeded a predetermined number of

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network service address accesses (see lines 6-10 of column 6; Interactive Usage Data 140b of Figure 3).

Regarding claim 27, Haitsuka discloses a primary database that stores the transmitted data packet and the matched network service response data packet if a determination is made that the user has exceed a predetermined number of network service address accesses (Demographic Requirements of Data to Send 140c of Figure 3).

Regarding claim 28, Haitsuka discloses determining if the transmitted data packet exceeds a session flow limit so as to warrant storage of the first transmitted data packet in the first database (See lines 59-61 of column 6 and lines 6-8 of column 7).

Regarding claim 29, Haitsuka discloses a method for providing usage monitoring in a communications network (See Figure 5), the method comprising: capturing a transmitted data packet at the network point of access, the transmitted data packet being determined to be a network service generated response packet; verifying user network accessibility of the second transmitted data packet; matching the transmitted data packet with a user generated request data packet; and storing usage monitoring information from the matched transmitted data packet and user generated request data packet in a database (see lines 54-61 of column 6).

Regarding claim 30, Haitsuka discloses capturing a transmitted data packet at a network point of access further comprises capturing a transmitted data packet at a network gateway device (Data Access Network 120 of Figure 1; see lines 21-23 of column 4).

Regarding claim 31, Haitsuka discloses checking the status code of the transmitted data packet to verify user network accessibility (see lines 6-9 of column 6).

Regarding claim 32, Haitsuka discloses storing usage monitoring information from the matched transmitted data packet and user generated data packet in a temporary database if a determination is made that the user has not exceeded a predetermined number of network service address accesses (see lines 6-10 of column 6; Interactive Usage Data 140b of Figure 3).

Regarding claim 33, Haitsuka discloses storing usage monitoring information from the matched transmitted data packet and user generated data packet in a primary database if a determination is made that the user has exceeded a predetermined number of network service address accesses (Demographic Requirements of Data to Send 140c of Figure 3).

Regarding claim 34, Haitsuka discloses a method for navigational sequence usage monitoring in a communications network (See Figure 5), the method comprising: designating network addresses requiring navigational sequencing (TCP/IP Network; See lines 9-13 of column 2); capturing, at a network point of access (Data Access Network 120 of Figure 1), a user transmitted data packet associated with a network address (See lines 22-26 of column 8); determining if the network address associated with the captured user transmitted data packet is a designated network address (See lines 46-50 of column 8; and lines 50-52 of column 9); and storing a predetermined number of network addresses that are accessed proximate the designated network address as a navigational sequence if a determination is made that network address

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associated with the captured user transmitted data packet is a designated network address (see lines 2-5 of column 3; and lines 54-61 of column 6).

Regarding claims 35-38, Haitsuka discloses storing a predetermined number of network addresses that are accessed subsequent and prior to the access of the designated network address as a navigational sequence (Figure 5 and Figure 8a-c; and Demographic Requirements of Data to Send 140c of Figure 3).

Regarding claim 39, Haitsuka discloses determining if the user that sent the user transmitted data packet has accessed a designated network address in a predetermined number of previous network address accesses; and adding the network address from the user transmitted data packet to a navigational sequencing list if a determination is made that the user has accessed a designated address in the predetermined number of previous network address accesses (See Figure 5 and Figure 8a-c).

Regarding claim 40, Haitsuka discloses storing the designated network address in a database (See lines 59-61 of column 6).

Regarding claims 41-43, Haitsuka discloses designating network addresses requiring navigational sequencing is based upon determining the most frequently accessed network addresses, network addresses accessed a predetermined number of times, usage monitoring client selected network addresses (See lines 62-67 of column 6 and lines 1-8 of column 7).

Conclusion

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4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a) Bunch; Clinton D (U.S 6,795,856), System and method for monitoring the internet access of a computer.

b) Conkright et al. (U.S 6,236,332), Control and monitoring system.

c) Haitsuka et al. (U.S 6,505,201) Apparatus for monitoring individual internet usage.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to SON X. NGUYEN whose telephone number is 571-272-6048. The examiner can normally be reached on 8 AM -5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on 571-272-3139. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, consisting of stylized, cursive letters followed by a long horizontal flourish.